NO RIGHT TO REPURCHASE.

DECISION OF MR. SCOTT IN THE SIXTH AND EIGHTH AVE. CASES.

THE PROPOSITION OF HENRY J. BRAKER NOT TO BE ENTERTAINED-RIGHTS AND DUTIES OF THE CITY-A DEFENCE OF THE

COURSE OF OFFICIALS. At a meeting of the Board of Sinking Fund Commissioners yesterday, an opinion from Corporation Counsel Scott on Henry J. Braker's \$2,000,000 proposition was read, which declares that the Board has no power to exercise its option to repurchase the Sixth and Eighth ave. surface roads; that the Board of Sinking Fund Commissioners has no power to repurchase the roads on behalf of the city, and that, even if the Board has the power to exercise the option and repurchase the roads, it has no legal authority to dispose of them in the

manner proposed by Henry J. Braker.

Mr. Scott exhaustively reviews the history of the Sixth and Eighth ave. railroad franchises, and quotes the terms of the resolutions making the grant in 1851, which contained the provision permitting the purchase of the roads by this city, with the validating of the grant by the Legislature.

"It may be a somewhat serious question what the city would acquire if it insisted upon the sur-render of the roads," says Mr. Scott, "whether it would acquire anything more than title to the rails and ties, without any right to operate or resell the franchise to operate a railway. It is clear, I think, that the city will not be in a position to acquire this property until some board authorized to represent it shall determine in its behalf to exercise the option, and it is equally clear that the right to exercise the option must be the act of the city itself, and cannot be delegated or assigned to any other

Mr. Scott arrives at the conclusion "that the Board has no power to act on behalf of the city to exercise the option to acquire the roads, and no power whatever to buy the roads; that, even if it had, it would still be without power to act on Mr. Braker's offer."

Having answered the question put to him on behalf of the Sinking Fund Commission, Mr. Scott says he would have stopped there were it not that several persons have made "reckless and unwarranted attacks upon the public administrative offi-cers of this city, charging them with bad faith and a lack of active effort to protect the interests of

The opinion recites the history of the litigation in connection with the granting of the permits to change the motive power by the Department of Public Works, and quotes the law to show that he took every precaution to protect the interest of the As the matter stands, the city has not lost, he

says, and is in no danger of losing any right or advantage to which it is entitled, the obligation on the Commissioner of Public Works to issue the permit being clear and unquestionable. Mr. Scott denies that the interests of the city

were not well protected before Justice Beach, and

were not well protected before Justice Beach, and ends by saying:

No grounds exist at the present time upon which an action to enforce the option could be predicated. Until the city has put itself, or been put by the Legislature, in a position to exercise or enforce the option, the roads belong to their owners, who are entitled to develop them in any lawful manner. If the, city should ever find itself in a position to reacquire the roads, it is obvious that it will be after a long and bitter litigation. In the mean time the public convenience and the proper development of the city will be greatly advantaged if modern and adequate power be substituted for the antiquated power now in use. I cannot bring myself to believe that it is the duty of any administrative officer of the city government to underrake to obstruct and retard this great public improvement, merely upon the chance that at some time in the future the city may be in a position to and may desire to acquire the roads.

It is true that it will cost more to repurchase these roads after the motive power has been changed than it would cost to repurchase them at present. But if the city were to acquire them today, it would find it necessary, in order to reap the full advantage of their possession, cither to itself expend the necessary money for a change of motive power or to sell or lease them at a price which would make it profitable for the purchaser or lesses to effect such a change. Allowing for the usual comparative cheapness of private over public construction, the net result would probably be that it would be as advantageous to the city to repurchase them now in their present condition.

Mayor Strong read the opinion himself, and then the Read authorized the printing and promulga-

Mayor Strong read the opinion himself, and then the Board authorized the printing and promulga-tion of the opinion. Mr. Scott said he would have the opinion, which covers over twenty-five type-written pages, printed out of his own appropria-tion.

HELPED BY THE FRESH AIR FUND.

HOW A POOR FAMILY WAS SENT WEST, WHERE

WORK AWAITED THEM. While the work of the Tribune Fresh Air Fund while the work of the Prione Fresh Air Jaha is to send poor children to the country for a two weeks' outing, it always considers a point gained when a family can be aided to a good home out of the city. When an opportunity of this kind presents itself and the case is a worthy one the chance is

never lost. An interesting case of this kind came to the no-An interesting case of the Fund yesterday morn-tice of the manager of the Fund yesterday morn-ing. A German woman, with a babe of eight months in her arms, came to the office, recommended by one of the workers who do so much to further the interests of the Fund. She was the wife of a house painter, and said that her husband had of a house painter, and said that her husband had been out of work for a long time, but had been sent for by his brother in Illinois. He had been working for \$5 a week, and was just able to keep his wife and four children alive. This had been cut off, and they did not know where to turn. Then the letter came from the brother, and they at once determined to move to the West. The brother said that he could promise work on their arrival but that he could promise work on their arrival, but

could not furnish transportation. could not furnish transportation.

The husband had sold their furniture, and found that they had just \$10.50 to take himself, wife and four children to Illinois. Could this not buy a ticket for them? she asked Mr. Parsons. Of course Mr. Parsons saw that this was not enough, but sent to the Eric Railroad authorities. Through their great the Eric Railroad authorities. Through their great generosity a ticket was obtained for a small figure, and the poor woman was told to keep her money for food on the way and a start on their arrival, as the Fresh Air Fund would provide their ticket. With tears in her eyes, she went home to tell her

husband of their good fortune, and at 2 o'clock yesterday afternoon Mr. Parsons's secretary met them at the Chambers-st. station, and, giving them a

at the Chambers-st. station, and, giving them a through ticket to Chicago, put them on a first-class train.

The family—husband, wife, and four children under six years of age—is connected with self-superting families in the West and in Berlin, Germany. It is hoped that through the aid of The Tribune Fresh Air Fund this honest, hard-working man may be helped to his feet, given a start, and enabled to make a good home for himself in Illinois.

KILLED ON A WHITE STAR LINER.

Austin Mangin, a longshoreman, of No. 230 Thirtenth-st., Jersey City, was instantly killed yes-terday morning by a falling snatch-block, while working on the White Star steamship Georgic, at King-st. and the North River.

HIGHER PRICES FOR BEEF AND MUTTON. "The prices of beef and mutton," said a leading wholesale butcher to a Tribune reporter yesterday, wholesale butcher to a Trioune reporter yesterday, "have been steadily advancing for the last three or four months. In that time the wholesale, or abat-tor, price of beef has advanced from 1 cent to 1½ cents a pound, in the carcass, and is now from 8 to 9 cents a pound. Mutton has advanced about 1 cent a pound within the last week, and is now selling from 81/2 to 9 cents a pound, in the carcass.

The principal cause for the advancement of beef is that a few years ago the ranching business was so overdone that many cattle-raisers abandoned their ranches. The product naturally fell off and beef became scarce. Another reason is the cheapness of corn. A year or two ago when corn was dear, the farmers sold it and marketed their cattle in poor condition. Now that corn is cheap, they are holding back their cattle and fattening them on corn, which requires about six months. The best steers are from two to three years old, but to make prime beef they must be well fed for a considerable time.

The wholesale market for beef and mutton is strong, with an advancing tendency. Prices are the short supply. The wholesale market for beef and mutton is strong, with a dayance of wholesale market for beef and mutton is strong, with an advancing tendency. Prices are more than likely to be higher, and after a while retailers will also be compelled to raise their rates if the advance of wholesale prices continues."

SEVERE REPRIMAND FOR A DOCTOR.

MAGISTRATE HEDGES TELLS HIM THAT HE IS GUILTY OF UNPROFESSIONAL AND IMPROPER CONDUCT.

"You are certainly guilty of conduct which is, to put it lightly, unprofessional and improper," said Magistrate Hedges to Dr. Heinrich Sterne, of No. 1.136 Lexington-ave., in the Harlem Police Court, to which the doctor was summoned yesterday.

Karl Passig, the janitor, of No. 94 East Ninetleth-st., and Mrs. Gainer had a fight about a month ago. Passig afterward said that the woman struck him on the head with a shovel. He went to bed and sent to Dr. Sterne, who signed a certificate that Passig was suffering from a fractured skull, and that an operation would be necessary to save his life. The woman was arrested, and on this certificate was held to await the result of Passig's injuries. She has been in jail ever since.

On Thursday Magistrate Hedges thought it time On Thursday Magistrate Hedges thought it time to make an investigation, and sent a court officer to see Passig. The officer found the janitor working about the house, and reported that fact to the Magistrate, who issued a summons for the physician. Dr. Sierne said yesterday that when newas called in Passig was in bed, and seemed to be extremely ill, but he now helieves that his illness was a sham. The Magistrate's indignant reprimand followed the explanation. The woman was discharged.

AFTER THIRTY-TWO YEARS.

SUCCESSFUL OPERATION ON LIEUTENANT A. P. HARING, MADE NECESSARY BY A WOUND RECEIVED IN THE WAR.

Lieutenant A. P. Haring, a well-known busi-N. J., has just undergone a successful surgical operation, made necessary by a peculiar wound received by him while he was serving in the 132d Regiment, New-York Infantry, in an engagement near Kinston, N. C., on March 8, 1865. A shot from a Confederate sharpshooter struck him in the left cheek, knocking out five teeth and fracturing his jawbone. He apparently recovered from the wound except that he afterward suffered from numbness of the tongue. A few days ago Dr. J. J. H. Love, of Montelair, discovered a hard substance imbedded beneath the skin on the right side of the tongue. On removing the substance it found to be a part of a tooth which had been forced into the tongue at the time the wound was inflicted, and had since worked its way through the tongue to the opposite side.

has been for the last twenty-eight years a member of the firm of Stewart, Warren & Co., manufacturing stationers at No. 29 Howard-st., which is composed of J. E. Stewart, W. W. J. Warren, A. P. Haring and J. G. Ruhi. At the time of the draft riots in this city in 1861 he was here on furlough, and was placed in command of the givard stationed in the Custom Hous-. He is a member of the Loyal Legion, and a medal of honor was awarded him by Congress on February 1, 1824, for meritorious service, which is mentioned in Volume 41 of "The War Records," on page 136, as follows: "Had not eleven men of the 132M New-York Infantry, under Lieutenant A. P. Haring, in the blockhouse at Bachelor's Creek, N. C., withstood a rebel army for over an hour Newbern, N. C., would have been captured by the rebels." Lieutenant Haring served gallantly in many battles, has been for the last twenty-eight years a mem

OBSTACLES TO THE PLAN OVERCOME.

ST. ANN'S AND ST. MATTHEW'S PROTESTANT EPIS COPAL CHURCHES TO UNITE-TO PRO-VIDE FOR DEAF MUTES.

All obstacles to their union having been satisactorily removed, it was officially announced yesterday, the Standing Committee of the diocese has consented to the consolidation of St. Ann's and St. Matthew's Protestant Episcopal churches, and the two parishes will merge their interests as oon as the final formalities have been arranged For a long time members of the vestries of both churches have been anxious for consolidation, but opposition to the scheme developed in the past

which made the Standing Committee unwilling to sanction the union until all grounds for objection had been done away with. It may be remembered that before St. Ann's disposed of its church and parish property, in Eighteenth-st., west of Fifth-ave., a little more than two years ago, the church was distinguished especially for its work among the deaf mutes of the city and vicinity. The church was also a free church, being the pioneer free church in the diocese, it is said.

During all of this period the vestry of St. Ann's

has been on the lookout for a favorable opportunity to unite its interests with some parish already it existence. When the proposition to consolidate with St. Matthew's, in West Eighty-fourth-st. near Central Park West, was made, an opposition developed within the vestry of St. Ann's and through outside friends of the church which blocked the plan temporarily. It was argued that St. Ann's was a free church, and as such had received much money in bequests and gifts which would be void if it should ever become a pewrenting parish.

At the meeting of the Standing Committee, held At the meeting of the Standing Committee, held on Thursday, both sides appeared and submitted their arguments. Those in favor of consolidation were successful, for they were able to remove from the minds of the authorities all objections to the union. It was found that there was nothing in the conditions attached to the bequests to the parish which was based on the proviso that the church should be free, and the vestry promised to provide a church uptown for the exclusive use of the deaf mutes. In this church, which will be built as soon as possible, probably in West One-hundred-and-forty-seventh-st., the services will be wholly conducted in the sign language.

The consolidated parish will have for its rector the Rev. Dr. E. H. Krans, the present paster of St. Ann's, and the Rev. Henry Chamberlaine, rector of St. Matthew's, will retire.

COMPLIMENTS FOR THE GRAND JURY. The May Grand Jury was discharged by Recorder Goff in the Court of General Sessions yes-terday. In discharging the jurymen the Recorder warmly complimented them for the work they had done. In the month 1,478 cases were submitted to the jury for consideration. Of these, 1,105 com-plaints were discharged and 373 indictments found Of this large number, more than eight hundred were for violations of the old Excise law, held over

for two years. "You are to be highly commended," the Recorder told the Grand Jurymen, "for the great record you have mad; as the case you have considered make the largest number ever before the Grand Jury. It is true that many of the cases were of a character that do not require much time and consideration, but the results have been most successful. The record you have made this month is but a fortification of what I have said many times before, that with an efficient District-Altorney, an active Grand Jury and the co-operation of the Court, cases can be tried in the month in which the indictments are found. If this were done, the law would be a terror to evil-doers."

There are only eight cases now in the Temba that require the attention of the Grand Jury. These, the Recorder said, would have been disposed of had it been possible to get witnesses. is true that many of the cases were of a character

TO SELECT SITES FOR SMALL PARKS Mayor Strong yesterday announced the names of committee that is to act with him in an advisor; capacity for the selection of sites for small parks on the crowded East and West Side sections of the city. Ex-Mayor Abram S. Hewitt is chairman of the committee, and the other members are W. R. Stewart, De Wiit J. Seligman, Meyer S. Isaacs,

James J. Higginson, the Rev. John B. Devins, Dr. J. B. Bryant and Jacob A. Riis. The city, under an amendment to the Small Parks act, is empowered to spend \$1,000,000 a year. Under the Small Parks act half a dozen small parks in

the Small Parks act half a dozen small parks in various parts of the city have been begun or laid out. The Mayor said he would call the committee together next Monday.

The Board of Street Opening yesterday determined on another small park to be laid out in the upper part of the city. The new park, which will owe its existence to Everett P. Wheeler and the East Side Improvement Association, is to be between Seventy-sixth and Seventy-eighth sts., on the East River, and will extend back 312 feet from the river-front. The estimated cost of the park is \$216,000.

\$216,000.

The Board of Street Opening decided to open One-hundred-and-eighty-fourth-st., from Amsterdamave. to Wadsworth-ave.; Andubon-ave., from One-hundred-and-seventy-fifth-st. to Fort George-ave., and One-hundred-and-ninety-sixth-st., from Jerome to Marion ave.

TO INQUIRE INTO WEINBERG'S SANITY. A commission was appointed by Recorder Goff in General Sessions yesterday to inquire into the sanity of Gustave Weinberg, the young man who several weeks ago challenged the Rev. Dr. Henry Mottet, rector of the Church of the Ascension, to fight a duel. Weinberg seemed to think that the clergyman had killed his mother and was trying to get him out of the way, too. He was to have been sentenced by the Recorder yesterday. The com-mission consists of Lawrence Godkin, of No. 56 Wall-st.; Dr. James E. Kelly, of No. 117 East Fifty-ninth-st., and Dennis Burns, of No. 245 West Forty-third-st.

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